

CICCH - EDUCATION
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TO: Common-Interest Community and Condominium Hotels Commission
FROM: Charvez Foger - Ombudsman
 Monique Williamson - Education and Information Officer
SUBJECT: Education Summary – approvals from **March through April 2020**

NEWLY APPROVED COMMUNITY MANAGER CONTINUING EDUCATION COURSES (6)

1.

<p>Sponsor: Community Association Solutions Course Title: <i>Companion & Emotional Support Animals</i> Request: 2 Hours Law Classroom Objective: To help community managers better understand how to handle accommodation requests pertaining to service and support animals. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(e) insurance and risk management; and 2(j) health and safety issues. Instructors: Sara Barry, Gayle A. Kern, Esq., Gregory Kerr, Esq., Michael T. Schulman, Esq., Edward Song, Esq., Donna A. Zanetti, Esq. Determination: Approved – 2 Hours – Law – Classroom</p>	
Content:	Minutes:
I. Introduction	5
II. Definitions <ul style="list-style-type: none"> a. Under the FHA, a handicap or disability is defined as: <ul style="list-style-type: none"> i. Having any physical or mental impairment which substantially limits one or more major life activities; ii. A record of having such an impairment; or iii. Being regarded as having such an impairment (42 U.S.C. – 3602 (H)). b. Differences in Service Animal, Emotional Support Animal, and/or a Therapy Animal <ul style="list-style-type: none"> i. Service dogs act as an extension of a person, trained to perform duties their owner cannot do themselves. They are protected under ADA. ii. Therapy dogs are docile volunteers who are trained to interact with many people other than the owner. iii. Emotional support animals are any pet that brings their owner comfort. iv. What about miniature horses, etc.? 	15
III. Reasonable Accommodation <ul style="list-style-type: none"> a. Defined as a change, exception or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including common areas. b. It is considered discriminatory to refuse to make reasonable accommodations when they may be necessary (42 U.S.C. – 3604 (f)(3)(B)). 	15
IV. Pet Policies <ul style="list-style-type: none"> a. Pets are different than assistance animals. b. Associations with pet restrictions must be careful when denying requests. c. Emotional support animals are allowed in housing under FHA but are not permitted in public spaces like service animals. They are not trained to the same degree. 	15
Break	10
V. HUD Threshold Questions	

	<ul style="list-style-type: none"> a. Does the person seeking the accommodation have a disability, i.e. a physical or mental impairment that substantially limits one or more major life activities? b. Does the person have a disability-related need for an assistance animal? Does the animal perform tasks or services specifically for the benefit of the person? c. Emotional support animals ameliorate the symptoms of psychiatric disabilities, including depression, anxiety, and PTSD. d. The association may not ask for medical records. 	15
VI.	<p>Denials if:</p> <ul style="list-style-type: none"> a. The accommodation would impose an undue financial/administrative burden upon the association. b. It would fundamentally alter the nature of the association's policies. c. The animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation. d. The animal would cause substantial physical damage to the property (breed, size, weight does not apply). 	15
VII.	<p>Scenarios</p> <ul style="list-style-type: none"> a. Dueling needs (allergies vs. animals). b. When pet fees apply. 	10
VIII.	<p>Who is not protected?</p> <ul style="list-style-type: none"> a. Juvenile and sex offenders. b. Persons currently engaging in the illegal use of controlled substances. 	5
IX.	<p>Conclusion</p> <ul style="list-style-type: none"> a. Unlike service animals, emotional support animals are not professionally trained. b. Pet restrictions may still not apply to emotional support animals. c. FHA guidelines under HUD must be adhered to. d. Do not ask for medical records as proof of a disability. 	10
	Questions	5
	TOTAL	120

2.

<p>Sponsor: Community Association Solutions Course Title: <i>Surveillance Cameras & Other Similar Issues in the CIC</i> Request: 1 Hour General Classroom Objective: To help keep community managers out of trouble when it comes to both installing and allowing unit owners to install surveillance equipment within the community. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 2(h) inspecting the community for the purposes of maintenance, planning or enforcing the governing documents; and 2(j) health and safety issues. Instructors: Sara Barry, Gayle A. Kern, Esq., Gregory Kerr, Esq., Michael T. Schulman, Esq., Edward Song, Esq., Donna A. Zanetti, Esq. Determination: Approved – 1 Hour – General – Classroom</p>		
Content:	Minutes:	
I. Introduction	5	
II. Installation of Cameras by Unit Owners <ul style="list-style-type: none"> a. On common area property? b. On their own property, facing outwards? c. Does the association have rules/guidelines? d. What about Ring Doorbells? e. What do the police say? 	15	
III. Is this a Neighbor to Neighbor Issue? <ul style="list-style-type: none"> a. Most communities contain nuisance clauses. b. The association must look at the governing documents. 	10	
IV. Adopting Resolutions	10	

<ul style="list-style-type: none"> a. Who can view association camera footage? b. Can one board member view community footage from their own home? c. Is the footage an association record which must be produced upon request? d. Can unit owners request to see segments of footage, especially when it pertains to their own property? e. How should footage be provided? 	
<p>V. Insurance Concerns</p> <ul style="list-style-type: none"> a. Location and invasion of privacy b. Fake cameras c. Adequate lighting d. Cameras can help stop vandalism, gate issues, parking issues, etc. e. If someone is attacked and the cameras were not working, that could become a problem. 	10
<p>VI. Conclusion</p> <ul style="list-style-type: none"> a. Before cameras are installed, the board should think about the liabilities. b. Rules and regulations should be created to address certain concerns. c. Both the attorney and insurance provider may need to be contacted. 	5
Questions	5
TOTAL	60

3.

<p>Sponsor: Community Association Solutions</p> <p>Course Title: <i>Confusing CIC Terms</i></p> <p>Request: 3 Hours Law Classroom</p> <p>Objective: To assist community managers in understanding certain industry terms which are used often and can be easily misinterpreted.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; and 2(c) the administration of laws and regulations concerning community managers.</p> <p>Instructors: Sara Barry, Gayle A. Kern, Esq., Gregory Kerr, Esq., John E. Leach, Esq., Michael W. McKelleb, Esq., Michael T. Schulman, Esq., Edward Song, Esq., Donna A. Zanetti, Esq.</p> <p>Determination: Approved – 3 Hours – Law – Classroom</p>	
Content:	Minutes:
<p>I. Introduction</p> <ul style="list-style-type: none"> a. Community managers often find themselves in situations where terms are critical, and they do not understand their meaning and importance. b. The following are some commonly misunderstood industry terms. 	5
<p>II. Terms</p> <ul style="list-style-type: none"> a. ADR – specifically the process of alternative dispute resolution. b. Adhoc committee – the ability to be terminated once the goal is complete. c. Affiliate of the declarant – when the current developer goes bankrupt. d. Allocated interests – in a condo, townhome or cooperative. e. Attorney client privilege – when meeting in executive session. f. Business associations – commercial property communities. g. Catastrophe – what constitutes such. h. Enforcement as assessments – NRS 116.3116(1) i. Financial records – what should be included. j. Fire lanes k. Group homes l. Health, safety, welfare – when this applies 	50
Break	10
<p>III. Terms Continued</p> <ul style="list-style-type: none"> a. Capital improvements – the process. b. CIC vs. HOA 	50

<ul style="list-style-type: none"> c. Confidential information – certain disclosures. d. Conflict of interest – regarding running and serving on the board. e. Consolidation of communities f. Converted buildings g. Consent to action without a meeting – when this is permissible. h. Cumulative voting – disclosures and process. i. Curbside service – concealing waste containers from view. j. Database – general record of violations. k. Dealer defined l. Deed restrictions m. Defamatory, libelous, or profane – truths vs. fiction 	
Break	10
IV. Terms Continued <ul style="list-style-type: none"> a. Transient commercial use b. Leaseholder defined c. Misconduct – by unit owners, board members and managers. d. Open hearings e. Reallocated interest f. Resident agents g. Security interest h. Super priority i. Tax exempt properties j. Tort and contract liability k. Unconscionable agreement of term of contract l. Unit owner – as in who can run for the board. m. Vicious animal 	50
Questions	5
TOTAL	180

4.

Sponsor: CIT (Formerly Mutual of Omaha Bank) Course Title: <i>Reserve Funds 101: The Complete Guide to Investing</i> Request: 3 Hours General Classroom Objective: To teach community managers about state statutes related to association funds, the importance of deposit protection/insurance, and proper investment options for reserve funds. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; and 2(g) accounting, including the preparation and monitoring of budgets, the monitoring of expenditures and reserves and the use of financial statements. Instructors: Chuck Balacy and Tony Troilo Determination: Approved – 3 Hours – General – Classroom	
Content:	Minutes:
I. Introduction	5
II. State Statutes <ul style="list-style-type: none"> a. NRS 116.3103 – acting on an informed basis b. NAC 116.405 – consulting with professionals c. NAC 116.0433 – financial records d. NRS 116.311395 – depositing funds 	5
III. FDIC Insurance <ul style="list-style-type: none"> a. Standard deposit insurance amount is \$250,000 b. Each association is insured up to \$250,000 per bank, not per account c. SIPC – protection is \$500,000 	10
IV. Surety Bonds	15

<ul style="list-style-type: none"> a. Provides deposit protection over \$250,000 b. No additional cost to the client c. Allows all deposits to reside within the bank d. Surety company issues the bond, the bank purchases the bond, the bond is held by the customer 	
<p>V. Investment Policy</p> <ul style="list-style-type: none"> a. Pyramid of priority – coverage, liquidity, return b. It is the association’s guide to investing reserve funds 	10
Break	15
<p>VI. Investment Options</p> <ul style="list-style-type: none"> a. Money market account <ul style="list-style-type: none"> i. Subjected to FDIC limit ii. Liquid account iii. 6 withdrawal limit iv. Fluctuating rate v. \$1,000 minimum opening deposit b. CDs <ul style="list-style-type: none"> i. Subjected to FDIC limit ii. Timed investment with fixed rate iii. 10 day grace period iv. Early withdrawal fee (180 days of interest) v. \$1,000 minimum opening deposit c. CDARS <ul style="list-style-type: none"> i. Up to \$50 million in FDIC protection ii. Timed investment iii. One bank, one rate, one statement iv. No grace period (automatic renewal) v. Instructions must be submitted by the Monday before maturity vi. \$10,000 minimum opening deposit 	50
<p>VII. CD Ladder Example</p> <ul style="list-style-type: none"> a. Reserve account = \$40,000 b. 3 month CD = \$10,000 c. 6 month CD = \$10,000 d. 9 month CD = \$10,000 e. 12 month CD = \$10,000 f. All CDs earn the same rate 	15
Break	15
<p>VIII. What to look for in a bank</p> <ul style="list-style-type: none"> a. Local or authorized to do business in Nevada? b. FDIC insured? Bank rating? c. How long doing business with associations? How many associations currently? d. What other products do you offer to associations? e. Do you know NRS and NAC 116? f. Can representatives attend board meetings? g. How does the board open the account? 	15
<p>IX. Required Documentation</p> <ul style="list-style-type: none"> a. Articles of incorporation b. Tax ID # c. Signature card 	5
<p>X. HOA Signature Card</p> <ul style="list-style-type: none"> a. Every field complete and legible b. No expired DL or passports c. No white out, just a single line and initial d. Update signature card when the board changes 	10

e. Utilize electronic signature cards on DocuSign if possible	
XI. Conclusion	
a. Do not chase rates before reviewing all pertinent documents.	
b. Remember the priority ladder.	
c. Wok with banks that have HOA experience.	5
Questions	5
TOTAL	180

5.

<p>Sponsor: The Clarkson Law Group, P.C.</p> <p>Course Title: <i>Getting Your Association Through the Zombie Apocalypse and Other Disasters</i></p> <p>Request: 3 Hours General Classroom</p> <p>Objective: To assist community managers in understanding how to effectively prepare for, respond to, and address issues impacting the CIC during disasters.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(b) legislative issues concerning community managers; 2(c) the administration of laws and regulations; 2(e) insurance and risk management; 2(f) recordkeeping; 2(h) inspections; 2(j) health and safety; 2(o) interpersonal communications; 2(p) contracts; and 2(q) liens and collections.</p> <p>Instructors: Adam H. Clarkson, Esq. and John W. Aylor, Esq.</p> <p>Determination: Approved – 3 Hours – General – Classroom</p>	
Content:	Minutes:
I. Introduction	5
II. Potential threats and basic preparation	
a. Consider potential threats	
b. Emergency kit	
c. Emergency plan	10
III. Terms and definitions	
a. Emergency related terms	
b. Pandemic basics	
c. Martial law	
d. Specific hazards	30
IV. Essential vs. Non-Essential Workers	
a. Department of Homeland Security and CISA guidance/list	
b. Community managers are essential	10
Break	10
V. Emergency operations plans (EOP)	
a. What to consider when creating a plan	
b. High-rise emergency/fire/evacuation planning	20
VI. Prohibiting access	
a. To residents	
b. Non-residents and unlawful trespass	
c. Government quarantine order	15
VII. Communication during crisis	
a. Community plan	
b. Legal issues	
c. CDC/CERC Manual	
d. Six principles of CERC	
e. Potential communication issues	
f. NRS 441A.001 and communicating regarding contamination	25
Break	10
VIII. Virtual meetings	
a. NRS 82.271 & 82.276	10

<ul style="list-style-type: none"> b. Meeting notice c. Avoiding potential issues d. How to set up a virtual meeting (sample) 	
<p>IX. Legal ramifications</p> <ul style="list-style-type: none"> a. Residents refusal to stay out of common areas b. Premises liability and discussion of Moody v. Manny’s Auto repair, 110Nev. 320,333 c. General defenses no longer available d. Modified comparative negligence NRS 41.141 e. DeBoer v. Sr. Bridges of Sparks Fam. Hosp. f. Taking on the duties of the health authority g. Doctrine of impossibility of performance – contracts not being performed h. Helms Constr. & Dev. Co. v. State, ex rel. Dep’t of Highways i. Max Baer Prods., Ltd. V. Riverwood Partners, LLC j. Doctrine of impossibility of performance – supervising governmental act (examples) k. Force majeure contract provisions l. Assessment collection, hearings, and fines 	30
Questions	5
TOTAL	180

6.

<p>Sponsor: Specialized Pipe Technologies</p> <p>Course Title: <i>Plumbing Problems & Solutions – How to Repair Pipes Without Digging</i></p> <p>Request: 1 Hour General Classroom</p> <p>Objective: To teach community managers about the most common pipe problems occurring in Nevada CICs and how to repair major pipe problems, without digging, using the newest pipe repair technologies.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 2(d) reserve studies; and 2(h) inspecting a common-interest community or condominium hotel for the purposes of maintenance and planning.</p> <p>Instructors: Brittany Brown</p> <p>Determination: Approved – 1 Hour – General – Classroom</p>	
Content:	Minutes:
<p>I. Introduction</p> <ul style="list-style-type: none"> a. What happens to pipes as they age? b. What causes lines to leak? 	5
<p>II. Domestic Water vs. Sewer Pipes</p> <ul style="list-style-type: none"> a. Chart b. Pipe Definition – NRS 444.350 c. Plumbing code & approvals in Nevada 	5
<p>III. Nevada Piping Materials</p> <ul style="list-style-type: none"> a. Metal – ductal iron, galvanized, copper, cast iron pipe b. Clay – ceramic c. Plastic – PVC, ABS, CPVC, PEX, HDPE d. Expected lifespan 	10
<p>IV. Most Common Pipe Problems and Costs of Pipe Repairs</p> <ul style="list-style-type: none"> a. Corrosion in metallic piping <ul style="list-style-type: none"> i. Causes rust, scale, cracking and biofilm build up resulting in lower water pressure, poor water quality and water leaks. ii. Causes grease build up resulting in slow drainage and stoppages/blockages. b. Pinhole leaks <ul style="list-style-type: none"> i. A continuous leak from 1/8’’ diameter hole in a hot or cold-water pipe at 60 psi will waste 135 gallons of water per hour and 98,500 gallons per month. ii. This can lead to an additional \$1,850.00 in wasted water and sewer charges per month. 	15

<ul style="list-style-type: none"> c. Tree Roots <ul style="list-style-type: none"> i. Sewer line bellies ii. Slopes lead to lower pressure clogs 	
<ul style="list-style-type: none"> V. Conventional Repair vs. Pipe Lining <ul style="list-style-type: none"> a. When standing in a unit, everything that is physically between you and the pipes must be cut open and removed in order to install new pipe. Everything that was torn out must then be put back. b. Conventional Pipe Replacement = digging, trenching, cutting, chopping, tearing out, ripping up, moving out, messing up, and destroying property to replace the original piping. c. You don't have to cut open floors or walls to repair or replace bad water and sewer pipe. d. Trenchless pipe restoration is the future. 	5
<ul style="list-style-type: none"> VI. Epoxy Barrier Coating <ul style="list-style-type: none"> a. Stops mineral leaching into drinking water, stops all pipe corrosion, prevents future pinhole leaks. b. NSF/ANSI Standard 61 (NSF-61) is a set of national standards that relates to water treatment and establishes stringent requirements for the control of equipment that comes in contact with either potable water or products that support the production of potable water. c. Pipes are dried with heated, compressed air to remove all moisture. The air also removes rust and corrosion build-up. d. The cleaned pipe is reheated so that the epoxy coating will adhere to the internal pipe surface. e. After coating has cured, a final leak test and inspection is performed. Water quality, volume, and flow are monitored and tested. 	5
<ul style="list-style-type: none"> VII. Cured In Place <ul style="list-style-type: none"> a. The installation of a custom cured in place 100% epoxy resin-based pipe within the original sewer line eliminating the need to cut open walls, floors, or dig up landscaping. b. A cutting tool cleans the pipe. c. A liner is pulled into place and the bladder inflated. d. After curing, the bladder is removed leaving behind a new structural pipe within the old pipe. 	5
<ul style="list-style-type: none"> VIII. Proactive Steps for Maintaining Plumbing Systems <ul style="list-style-type: none"> a. If the property is 25 years or older, schedule a pipe assessment investigation of both the water and sewer lines. b. Start a reserve fund for pipe restoration and take a proactive approach to maintenance. 	5
<p>Questions</p>	5
<p>TOTAL</p>	60